IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE

and
HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 3870 of 2004

Between:

Perla Anjaneyulu S/o Shyama Sundera Rao
R/o D. NO. 1-3/27-3/1, Vidyadharapuram, Vijayawada-520012, Krishna District

..... PETITIONER

AND

1 Union of India, rep by Secretary, Ministry of Law, Sastry Bhawan, R.P. Road, New Delhi
2 The Assistant General Manager, State Bank of India, B.R.P. Road, Vijayawada-1
3 State Bank of India, rep by Chairman & Managing Director, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other Writ or Writs, order or Direction, declaring the "The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (Second) Ordinance, 2002" more particularly Section 13, 15 & 34 thereof as being Unconstitutional, illegal, arbitrary and violative of Art. 14, 19 (1) (9) and 300-A of the Constitution of India and consequentially quash the notice dated 08-12-2003 issued on the file of the 2nd respondent.

For the Petitioner : SMT.K.NAGAMANI, Advocate.

For the Respondent No 1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

For the respondent Nos.2 & 3: Smt. P.Bala Rani, SC for SBI.

The Court made the following :

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ORAL ORDER:

(Per Hon'ble The Chief Justice)

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In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 (MARDIA CHEMICALS LTD. Vs. UNION OF INDIA & OTHERS), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, the relief prayed for cannot be granted. Writ petition is, therefore, dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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G. ROHINI. J.,

Dated: 15.07.2004.

VRK.

To

1 The Secretary, Ministry of Law, The Union of India, Sastry Bhawan, R.P. Road, New Delhi
2. The Assistant General Manager, State Bank of India,

BRP Road, Vijayawada – 1.

3. The Chairman & Managing Director, State Bank of India, Hyderabad.

4. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE Ms. JUSTICE G. ROHINI.

W.P.NO. 3870 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 15.07.2004.